

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

ROSY GIRON DE REYES, *et al.*,

Plaintiffs,

v.

WAPLES MOBILE HOME PARK
LIMITED PARTNERSHIP, *et al.*,

Defendants.

Civil No.: 1:16cv563-TSE-TCB

**DEFENDANTS' OBJECTIONS TO PLAINTIFFS' PRETRIAL DISCLOSURES
PURSUANT TO FED. R. CIV. P. 26(a)(3)(B)**

Defendants Waples Mobile Home Park Limited Partnership, Waples Project Limited Partnership, and A. J. Dwoskin & Associates, Inc. ("Defendants"), by counsel and pursuant to Fed. R. Civ. P. 26(a)(3)(B), hereby object to Plaintiffs' pretrial disclosures (Dkt. 312) as follows:

1. Pursuant to the Court's September 25, 2020 Order, the deadline for the parties pretrial disclosures was rescheduled to December 4, 2020. (Dkt. 297.) On December 4, 2020, the parties filed their pretrial disclosures pursuant to that Order. (Dkts. 312, 314.)

2. This Court's 2016 Initial Scheduling Order requires the parties to file on or before the final pretrial conference date "a list of the witnesses to be called at trial[.]" (Dkt. 35.) The Court emphasized in that Initial Scheduling Order that "[n]on-expert witnesses... not so disclosed and listed will not be permitted at trial except for impeachment or rebuttal..." (Dkt. 35) (emphasis within).

3. Because the parties filed and exchanged their pretrial disclosures on December 4, 2020, the Court's 2016 Initial Scheduling Order (Dkt. 35) and Fed. R. Civ. P. 26(a)(3)(B) requires the parties to file any objections to the opposing parties' pretrial disclosures "[w]ithin 14

days after they are made, unless the court sets a different time[.]” Fed. R. Civ. P. 26(a)(3)(B). Therefore, any objections to the parties’ pretrial disclosures, other than objections to the parties’ exhibits, are due on December 18, 2020.¹

4. In their pretrial disclosures, Plaintiffs indicated that they reserve the right to call “any witness necessary to establish a foundation for the admission of records or other evidence.” (Dkt. 312 at 2.) Pursuant to the Court’s 2016 Initial Scheduling Order, however, Plaintiffs cannot avoid specifically identifying any witnesses they intend to call or may call to establish a foundation for the admission of records or other evidence. Defendants therefore object to Plaintiffs’ pretrial disclosures to the extent Plaintiffs intend to call witnesses at trial for foundation purposes who are not specifically identified in Plaintiffs’ pretrial disclosures.²

WHEREFORE, Defendants request that (1) the Court strike any witness at trial who Plaintiffs call to establish a foundation for the admission of records or other evidence if such a witness is not specifically identified in Plaintiffs’ pretrial disclosures (Dkt. 312); and (2) for such other relief as is just and proper.

¹ The Court set a different time for the objections to the parties’ exhibits. Pursuant to the Court’s December 9, 2020 Order, the parties have until on or before December 23, 2020 to submit their objections to the parties’ exhibits. (Dkt. 316).

² These objections do not include Defendants’ objections to Plaintiffs’ exhibits. Defendants will submit their objections to Plaintiffs’ trial exhibits identified in Plaintiffs’ pretrial disclosures on December 23, 2020 as permitted by this Court’s December 9, 2020 Order (Dkt. 316). Accordingly, Defendants reserve their right to submit those objections on that date.

Dated: December 18, 2020

Respectfully submitted,

WAPLES MOBILE HOME PARK LIMITED
PARTNERSHIP, WAPLES PROJECT LIMITED
PARTNERSHIP AND
A. J. DWOSKIN & ASSOCIATES, INC.

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of December, 2020, I caused the foregoing to be filed electronically with the Clerk of the Court using CM/ECF, which will then send a notification of such filing to all counsel of record.

/s/

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